

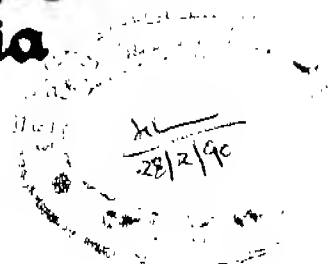


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EXTRAORDINARY

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PART II—Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 14th August, 1989:—

BILL NO. 65 OF 1989

A Bill further to amend the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955.

Be it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. This Act may be called the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions (Amendment) Act, 1989.

Short
title.

2. In section 2 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (hereinafter referred to as the principal Act),—

Amend-
ment of
section 2.

(i) in clause (d), the following shall be inserted at the end, namely:—

“and includes newspaper establishments specified as one establishment under the Schedule.

Explanation.—For the purposes of this clause,—

(a) different departments, branches and centres of newspaper establishments shall be treated as parts thereof;

(b) a printing press shall be deemed to be a newspaper establishment if the principal business thereof is to print newspaper;”;

(ii) after clause (ee), the following clause shall be inserted, namely:—

“(eee) “wages” means all remuneration capable of being expressed in terms of money, which would, if the terms of employment, expressed or implied, were fulfilled, be payable to a newspaper employee in respect of his employment or of work done in such employment, and includes—

(i) such allowances (including dearness allowance) as the newspaper employee is for the time being entitled to;

(ii) the value of any house accommodation, or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of food-grains or other articles;

(iii) any travelling concession,

but does not include—

(a) any bonus;

(b) any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the newspaper employee under any law for the time being in force;

(c) any gratuity payable on the termination of his service.

Explanation.—In this clause, the term “wages” shall also include new allowances, if any, of any description fixed from time to time.’

Amend-
ment
of section
10.

3. In section 10 of the principal Act, to sub-section (4), the following *Explanation* shall be added, namely:—

“*Explanation.*—For the removal of doubts, it is hereby declared that nothing in this sub-section shall prevent the Board to make recommendations for fixation or revision of rates of wages on all-India basis.”

Insertion
of the
Schedule.

4. After section 20 of the principal Act, the following Schedule shall be inserted, namely:—

“THE SCHEDULE

[See section 2(d)]

1. For the purposes of clause (d) of section 2,—

(1) two or more newspaper establishments under common control shall be deemed to be one newspaper establishment;

(2) two or more newspaper establishments owned by an individual and his or her spouse shall be deemed to be one

newspaper establishment unless it is shown that such spouse is a sole proprietor or partner or a shareholder of a corporate body on the basis of his or her own individual funds;

(3) two or more newspaper establishments publishing newspapers bearing the same or similar title and in the same language in any place in India or bearing the same or similar title but in different languages in the same State or Union territory shall be deemed to be one newspaper establishment.

(2) For the purposes of paragraph 1 (1), two or more establishments shall be deemed to be under common control—

(a) (i) where the newspaper establishments are owned by a common individual or individuals;

(ii) where the newspaper establishments are owned by firms, if such firms have a substantial number of common partners;

(iii) where the newspaper establishments are owned by bodies corporate, if one body corporate is a subsidiary of the other body corporate, or both are subsidiaries of a common holding company or a substantial number of their equity shares are owned by the same person or group of persons, whether incorporated or not;

(iv) where one establishment is owned by a body corporate and the other is owned by a firm, if a substantial number of partners of the firm together hold a substantial number of equity shares of the body corporate;

(v) where one is owned by a body corporate and the other is owned by a firm having bodies corporate as its partners if a substantial number of equity shares of such bodies corporate are owned, directly or indirectly, by the same person or group of persons, whether incorporated or not, or

(b) where there is functional integrality between concerned newspaper establishments.”.

STATEMENT OF OBJECTS AND REASONS

The Wage Boards appointed under section 10 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 have experienced difficulties in interpreting of certain terms used in the Act, and also of certain provisions of the Act. In order to remove doubts and varying interpretations, it is proposed to—

(a) amplify the definition of “newspaper establishment” contained in clause (d) of section 2 so as to provide for clubbing of various establishments under the common control of any person or body of persons;

(b) provide self contained definition of “wages” instead of adopting the definition by reference to the Industrial Disputes Act, 1947;

(c) make clear that the power to fix or revise rates of wages includes power to fix or revise allowances including new allowances; and

(d) clarify that the Wage Boards are not prevented from fixing the wages on all-India basis.

2. The Bill seeks to achieve the above objects.

NEW DELHI;

The 8th August, 1989.

BINDESHWARI DUBEY.

BILL No. 64 1989

A Bill further to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954.

BE it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. This Act may be called the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 1989.

Short
title.

30 of 1954. 2. In section 6A of the Salary, Allowances and Pension of Members of Parliament Act, 1954, to clause (b) of sub-section (1) and clause (iii) of sub-section (6), the following shall be added at the end, namely:—

Amend-
ment of
section
6A.

“and back”.

STATEMENT OF OBJECTS AND REASONS

Every member of Parliament representing the Union territory of Andaman and Nicobar Islands and the Union territory of Lakshadweep is entitled to air travel facility along with his spouse or companion from the usual place of residence in the Island to the nearest airport in the main land of India. For the return journey, steamer facility is provided at present. On the recommendation of the Joint Committee on Salaries and allowances of Members of Parliament, it is proposed to allow air travel facility for the return journey also from the nearest airport in the mainland to the usual place of residence in the Island.

2. The Bill seeks to achieve the above object.

NEW DELHI;

H. K. L. BHAGAT.

The 7th August, 1989.

FINANCIAL MEMORANDUM

The Bill seeks to amend provisions of section 6A of the Act to provide for air travel facility to every member representing the Union territories of Andaman and Nicobar Islands and Lakshadweep and his spouse or companion on the return journey from the nearest airport in the mainland of India to the usual place of residence in the Island.

2. The above provision is expected to involve a recurring expenditure from the Consolidated Fund of India to the tune of Rs. 32,300 per annum approximately.

3. The provisions of the Bill will not involve any other expenditure either recurring or non-recurring.

BILL No. 63 OF 1989

A Bill to provide for the declaration of the Quilon-Kottapuram stretch of West Coast Canal and Champakara and Udyogmandal Canals to be a national waterway and also to provide for the regulation and development of the said stretch and the Canals for purposes of shipping and navigation on the said waterway and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. (1) This Act may be called the National Waterway (Quilon-Kottapuram Stretch of West Coast Canal and Champakara and Udyogmandal Canals) Act, 1989.

Short title
and com-
mencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Declara-
tion of
Quilon-
Kottapu-
ram
stretch of
West
Coast
Canal and
Champa-
kara and
Udyog-
mandal
Canals
to be a
national
waterway.

2. The Quilon-Kottapuram stretch of West Coast Canal and Champakara and Udyogmandal Canals, the limits of which are specified in the Schedule is hereby declared to be a national waterway.

Declara-
tion as
to expedi-
ency of
control by
the Union
of Quilon-
Kottapu-
ram
stretch of
West
Coast
Canal and
Champa-
kara and
Udyogman-
dal
Canals for
certain
purposes.

3. It is hereby declared that it is expedient in the public interest that the Union should take under its control the regulation and development of Quilon-Kottapuram stretch of West Coast Canal and Champakara and Udyogmandal Canals for purposes of shipping and navigation on the national waterway to the extent provided in the Inland Waterways Authority of India Act, 1985.

82 of 1985.

THE SCHEDULE

(See section 2)

LIMITS OF THE NATIONAL WATERWAY (QUILON-KOTTAPURAM STRETCH OF WEST COAST CANAL AND CHAMPAKARA AND UDYOGMANDAL CANALS)

The northern limit of the West Coast Canal shall be a line drawn across the river Periyar at a distance of 1.0 kilometer upstream of Kottapuram road bridge (NH-17) connecting Mallankara and Valliapanikan Thuruthu, and the southern limit shall be a line drawn across the Ashtamudy Kayal at a distance of 100 meters south of Quilon jetty.

The Champakara Canal starting from the confluence with the West Coast Canal and ending at the railway bridge (railway siding for Cochin Oil Refinery) near Fertilizers and Chemicals Travancore Ltd., boat basin.

The Udyogmandal Canal starting from the confluence with West Coast Canal and ending at the Padalam road bridge (Eloor-Edayar).

STATEMENT OF OBJECTS AND REASONS

In view of lack of suitable organisation and the paucity of resources with the State Governments, the development of inland water transport has not made much headway. There are certain advantages in this mode of transport, such as, low cost of transport, energy efficiency, generation of employment among weaker sections of the community and less of pollution. The various committees set up by the Government for the purpose of looking into this matter recommended that the Central Government should declare certain waterways as national waterways and assume responsibility for their development.

2. The Central Government have already constituted the Inland Waterways Authority of India under the Inland Waterways Authority of India Act, 1985 (82 of 1985) for the regulation and development of inland waterways for purposes of shipping and navigation.

3. Allahabad-Haldia stretch of the Ganga-Bhagirathi-Hooghly river and the Sadiya-Dhubri stretch of the Brahmaputra river have already been declared as national waterways and the Inland Waterways Authority of India has taken up the development, maintenance and management of these waterways.

4. It is now proposed to declare the Quilon-Kottapuram stretch of West Coast Canal and Champakara and Udyogmandal Canals as the third national waterway. Information currently available indicates that the infrastructural facilities essentially required for safe and convenient shipping and navigation are not adequate for sustained operation by large mechanised crafts. Regulation and development of Quilon-Kottapuram stretch of West Coast Canal and Champakara and Udyogmandal Canals for purposes of shipping and navigation on the proposed national waterway under the control of the Union is in the public interest and declaration to that effect has also been made in the Bill.

5. The Bill seeks to achieve the above objects.

NEW DELHI;

The 7th August, 1989.

RAJESH PILOT.

FINANCIAL MEMORANDUM

The effect of clause 3 of the Bill will be to entrust the responsibility to regulate and develop the proposed national waterway for the purposes of shipping and navigation to the Union. The regulation and development of the proposed national waterway will be carried out by the Inland Waterways Authority of India constituted under the Inland Waterways Authority of India Act, 1985 (82 of 1985). Consequently, three distinct functions namely, development, maintenance and management will devolve on the Inland Waterways Authority of India. The financial implications are indicated in the succeeding paragraphs.

2. It has been visualised that the total originating traffic in the region is 10.904 million tonnes and the total terminating traffic in the region would be 9.98 million tonnes. Out of this, the estimated share of Inland Water Transport would be 1.73 million tonnes. After full development of the proposed national waterway by 1992-93, the anticipated Inland Water Transport traffic may be 3.08 million tonnes. This traffic is expected to be handled at 14 terminals, namely, Kottapuram, Ernakulam, Cochin, Vaikom, Shartallai, Vechoor, Ambalapuzha, Trikkummapuzha, Arattupuzha, Kayamkulam, Chavara, Asthamudi, Arookutty and Quilon.

3. The development of the canals and the infrastructural facilities so as to cater to the requirements of shipping and navigation to handle the above mentioned traffic include development of the waterway for navigation, channel marking, construction of jetties, transit sheds, installation of handling equipment, etc. It is estimated that the expenditure with respect to the said infrastructural facilities will be of the order of Rs. 42.84 crores. This expenditure will be of a non-recurring nature.

4. In addition to the said expenditure of non-recurring expenditure, it is estimated that an expenditure of recurring nature of the order of Rs. 1.20 crores annually will be incurred for maintenance of infrastructural facilities.

5. The declaration of the proposed stretch of the West Coast Canal and Champakara and Udyogmandal Canals as National Waterway and to provide for the regulation and development of the said canal for purposes of shipping and navigation is not expected to involve any other expenditure of recurring or non-recurring nature.

SUBHASH C. KASHYAP,
Secretary-General.